

§103(a). First, the combination does not include all of the limitations of the invention. For example, the Office Action acknowledges that the underlying reference (the *Jeng '073* patent) fails to teach or suggest the invention including controlling the introduction of gases via a sensor or detector. Further, the Office Action fails to explain how and where (in the *Jeng '073* patent) there is teaching that corresponds to the limitations concerning the depleted gas supply zone, and the Office Action does not assert that either of the references (the *Bartholomew '080* patent and the *Jeng '073* patent) provides this teaching. While it is appreciated that this omission could have been an oversight, a review of Applicant's Specification and of these asserted prior-art references reveal that this is a significant omission, especially when considering that the statute relied upon for the rejection requires that the claim be considered "as a whole". In this context, appropriate consideration of the claimed invention has not been made, as would be embraced by the Rules and 35 U.S.C. 132. Thus, by not providing complete correspondence between the prior and the claimed invention, the Office Action fails to provide a *prima facie* case of obviousness. The Office Action also fails to provide a *prima facie* case of obviousness by not providing any evidence from the record that one skilled in the art would modify the teachings of the prior art to realize the presently-claimed invention as suggested in the Office Action.

In view of the above, Applicant submits that each of the claims is in condition for allowance. Reconsideration and withdrawal of the rejections, along with a favorable response, are earnestly requested.

Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at 651/686-6633.

CRAWFORD PLLC
1270 Northland Drive, Suite 390
St. Paul, Minnesota 55120
(651) 686-6633

By: 

Name: Robert J. Crawford

Reg. No.: 32,122